

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEANNINE L. SOMBERG o/b/o DYLAN S.
SOMBERG,

Plaintiff,

v.

Case No. 13-10330

UTICA COMMUNITY SCHOOLS,

Defendant.

**ORDER DENYING MOTION TO DISMISS, GRANTING MOTION TO AMEND, AND
SETTING BRIEFING SCHEDULE**

Before the court is a motion to dismiss, filed by Defendant Utica Community Schools and opposed by Plaintiff Jeannine L. Somberg, on behalf of Dylan S. Somberg. After the motion was filed, Plaintiff timely moved to amend her complaint under Federal Rule of Civil Procedure 15(a)(1)(B). The court held a status conference on May 21, 2013, during which time the parties agreed to go to mediation. Mediation has since occurred, and a settlement was not reached. The court must therefore set deadlines, as contemplated during the May 21 conference. Accordingly,

IT IS ORDERED that Plaintiff's motion to amend the complaint as of right [Dkt. # 6] is GRANTED and that Defendant's motion to dismiss or strike the first complaint [Dkt. # 4] is DENIED AS MOOT. Plaintiff shall file an amended complaint by **June 7, 2013**, and Defendant's answer is due by **June 21, 2013**.

IT IS FURTHER ORDERED Plaintiff shall file a motion for judgment, limited to 20 pages of argument, on or before **July 19, 2013**. Defendant shall file its combined response and motion for judgment, limited to 25 pages of argument, by **August 9, 2013**.

Plaintiff shall file a combined response to Defendant's motion and reply in support of her own motion by **August 30, 2013**. Defendant may file a final, optional, reply by **September 13, 2013**.

s/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 4, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 4, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner

Case Manager and Deputy Clerk
(313) 234-5522